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12 **UNITED STATES DISTRICT COURT**  
 13 **NORTHERN DISTRICT OF CALIFORNIA**

14  
 15 KIMBERLEY MAIN and EYAD AKEL,  
 16 individuals, on behalf of themselves and all others  
 similarly situated,

17 Plaintiffs,

18 vs.

19 WAL-MART STORES, INC., a Delaware  
 20 corporation; and DOES 1 through 50, inclusive,

21 Defendants.

No.: 3:11-cv-01919-JSW

**Consolidated Cases:**

Landeros, Case No. 11-CV-2659-JSW  
 Nelson, Case No. 11-CV-2001-JSW  
 Grikavicius, Case No. 11-CV-2893-JSW

**Related Case:**

Heon, Case No. 12-CV-1681 JSW

**STIPULATION AND [PROPOSED]  
 ORDER TO AMEND PRELIMINARY  
 APPROVAL ORDER TO EXTEND  
 DEADLINE FOR CLASS MEMBERS TO  
 SUBMIT REQUESTS FOR EXCLUSION,  
 OBJECTIONS OR CLAIM FORMS**

Hon. Jeffrey S. White

REED SMITH LLP  
 A limited liability partnership formed in the State of Delaware

**STIPULATION**

Plaintiffs Kimberley Main, Robin Nelson, Marylynn Grikavicius, Lourdes R. Landeros and Tiffany Heon (“Plaintiffs”) and Defendant Wal-Mart Stores, Inc. (“Wal-Mart” or “Defendant”) (collectively, the “Parties”) hereby enter into this stipulation to amend the Order Granting Preliminary Approval of Class Settlement and Provisional Class Certification entered by the Court on January 22, 2013 (the “Preliminary Approval Order”). Specifically, the Parties stipulate to amend the Preliminary Approval Order to extend the deadline for settlement class members to submit requests for exclusion, objections or claim forms from April 22, 2013 to April 29, 2013, subject to Court approval, based on the following premises:

**RECITALS**

**WHEREAS**, on November 9, 2012, the Parties entered into a Class Action Settlement Agreement and Release (the “Agreement”);

**WHEREAS**, paragraph 3.2 of the Agreement specifies the methods for providing notice of the class action settlement as follows:

(a) *In Store Notice.* Within forty-five (45) days after entry of the Preliminary Approval Order, Wal-Mart will post a tear-away written notice, which will include instructions on how to access the detailed notice and claim form that will be available via the Settlement Website and via mail upon request. The written notice shall be posted at the customer service desk of each Wal-Mart store located in California for forty-five (45) consecutive days.

(b) *Notice by Publication.* A written notice shall be published in the Los Angeles and San Francisco regional print markets of USA Today one (1) time per week for at least three (3) weeks during the forty-five (45) day period following entry of the Preliminary Approval Order.

(c) *Settlement Website.* Starting no later than three (3) business days after entry of the Preliminary Approval Order, the settlement administrator shall establish an Internet-based website and post a detailed notice and the claim form thereon.

**WHEREAS**, on January 22, 2013, the Court entered the Preliminary Approval Order;

**WHEREAS**, the Preliminary Approval Order sets the following deadlines:

(a) Wal-Mart shall provide Notice to the Settlement Class within forty-five (45)

1 days of the date of entry of this Order (*i.e.*, March 8, 2013).

2 (b) Settlement class members shall submit requests for exclusion, objections, or  
3 claim forms, if they so elect, within ninety (90) days of the date of entry of this Order (*i.e.*, forty five  
4 (45) days after completion of Notice or April 22, 2013).

5 **WHEREAS**, on January 25, 2013, the settlement administrator established the Settlement  
6 Website as specified in paragraph 3.2 of the Agreement;

7 **WHEREAS**, beginning on the week of February 11, 2013, Wal-Mart had written notice of  
8 the settlement published one (1) time per week for three (3) consecutive weeks in the Los Angeles  
9 and San Francisco regional print markets of USA Today as specified in paragraph 3.2;

10 **WHEREAS**, despite Wal-Mart's best efforts, Wal-Mart did not complete posting tear-away  
11 written notices at the customer service desk of every Wal-Mart store located in California until  
12 March 14, 2013 (six (6) days beyond the March 8, 2013 deadline);

13 **WHEREAS**, Plaintiffs and Defendant agree that, in order to provide class members with the  
14 full forty-five (45) days after completion of Notice to submit requests for exclusion, objections, or  
15 claim forms, the deadline for class members to submit requests for exclusion, objections, or claim  
16 forms should be extended by an equivalent six (6) days and class members should be given notice of  
17 said extension;

18 **NOW, THEREFORE**, Plaintiffs and Defendant hereby stipulate and jointly request that the  
19 Court amend the Preliminary Approval Order as follows:

20 (a) The deadline for settlement class members to submit requests for exclusion,  
21 objections, or claim forms, if they so elect, shall be extended from April 22, 2013 to April 29, 2013;

22 (b) Wal-Mart, through the settlement administrator, shall post an alert on the Settlement  
23 Website advising settlement class members that the deadline to submit requests for exclusion,  
24 objections, or claim forms, if they so elect, has been extended from April 22, 2013 to April 29, 2013;

25 (c) Wal-Mart, through the settlement administrator, shall include an insert with every  
26 detailed settlement notice and claim form sent to putative settlement class members alerting putative  
27 settlement class members that the deadline to submit requests for exclusion, objections, or claim  
28 forms, if they so elect, has been extended from April 22, 2013 to April 29, 2013; and

(d) Wal-Mart, through the settlement administrator, shall send a notice to all putative settlement class members that have already received the detailed settlement notice and claim form by mail alerting such putative settlement class members that the deadline to submit requests for exclusion, objections, or claim forms, if they so elect, has been extended from April 22, 2013 to April 29, 2013.

**IT IS SO STIPULATED**

DATED: April 3, 2013

REED SMITH LLP

By: /s/ Scott H. Jacobs

Scott H. Jacobs  
Brandon W. Corbridge  
Attorneys for Defendant  
WAL-MART STORES, INC.

DATED: April 3, 2013

STONEBARGER LAW, P.C.

By: /s/ Gene J. Stonebarger

Gene J. Stonebarger  
Richard D. Lambert  
Co-Lead Plaintiffs' Counsel

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**[PROPOSED] ORDER**

**PURSUANT TO THE ABOVE STIPULATION, IT IS ORDERED** that:

1. The deadline for settlement class members to submit requests for exclusion, objections, or claim forms, if they so elect, shall be extended from April 22, 2013 to April 29, 2013;
2. Wal-Mart, through the settlement administrator, shall post an alert on the Settlement Website advising settlement class members that the deadline to submit requests for exclusion, objections, or claim forms, if they so elect, has been extended from April 22, 2013 to April 29, 2013;
3. Wal-Mart, through the settlement administrator, shall include an insert with every detailed settlement notice and claim form sent to putative settlement class members alerting putative settlement class members that the deadline to submit requests for exclusion, objections, or claim forms, if they so elect, has been extended from April 22, 2013 to April 29, 2013; and
4. Wal-Mart, through the settlement administrator, shall send a notice to all putative settlement class members that have already received the detailed settlement notice and claim form by mail alerting such putative settlement class members that the deadline to submit requests for exclusion, objections, or claim forms, if they so elect, has been extended from April 22, 2013 to April 29, 2013.

Dated: April 8, 2013

By: \_\_\_\_\_

  
The Honorable Jeffrey S. White  
United States District Judge